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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/694,349
Confirmation No. : 2564
Applicant : Lubcke
Filed : 10/28/03
Title : Measuring instrument
TC/A.U. : 2858
Examiner : M. Kramskaya
Docket No. : LUBC3001C/FJD
Customer No. : 23364

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Notice dated August 8, 2006, it is indicated that the brief "does not contain a statement of the status of the claims".

In fact it does. On page 2 of the Brief the following appears:

STATUS OF CLAIMS
(37 CFR 41.37(c)(1)(iii))

Claims 1 - 12 and 19 - 39 are pending in this application.

Claims 1 - 12 have been finally rejected.

Claims 19 - 39 are withdrawn as non-elected.

Nothing more is needed.

It is also indicated that the brief "fails to give a concise explanation of the subject defined in each independent claim."

In fact it does. There are two independent claims: claims 1 and 10. Claim 1 defines a measuring instrument and a higher-order unit, and claim 10 defines the

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ports and cables of an electrically powered measuring device. At the bottom of page 2 and all of page 3 of the Brief, the invention of claim 1 and 10 is discussed.

Nothing more is needed.

It is also indicated that the Brief "fails to argue each ground of rejection under its own heading".

In fact it does. The arguments in the Brief cover pages 4-6 under headings (1), (2), (3) and (4) which address the 35 USC 102 and 35 USC 103 rejections.

Nothing more is needed.

Respectfully submitted,

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